

JAN 30 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jill Leslie Gizzio

Serial No.: 09/881,527

Filed: June 14, 2001

For: Method and Apparatus for Matching Pets to Appropriate Pet Products and Supplies

Group Art Unit: 3629

Examiner: Traci L. Smith

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Honorable Commissioner for Patents  
Alexandria, VA 22313-1450:

**RESPONSE****OFFICE ACTION RESPONSE, INTERVIEW SUMMARY, SPECIFICATION****AMENDMENTS AND CLAIM AMENDMENTS****I. Interview Summary for Interview on December 20, 2005**

Applicant requested Examiners to reconsider the rejection of claims 2 and 4 under 35 U.S.C. section 102(e) as being anticipated by Bebiak et al. ("Bebiak.") Applicant noted that Bebiak relates to creating a specific formula for a specific pet and that the breed codes of the current invention are comprised of predetermined criteria for a plurality of breeds of pets. It is Applicant's understanding that Examiners agreed that claims 2 and 4 would be in condition for allowance if they were rewritten in independent

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form. In addition, Examiners requested that the specification be amended to include text to mirror Figure 5, and that a drawing be added to mirror the text on page 15 lines 15 through 21 relating to the breed code for cats.

In addition, the possibility of amending the specification to describe what the apparatus of claims 10 through 13 does was also discussed.

## **II. Claim Rejections – 35 USC § 112**

Applicant traverses Examiner's rejection of claims 10 through 13 which were rejected under 35 U.S.C. § 112 first paragraph, and Applicant withdraws claims 10 through 13, which Applicant intends to resubmit in a continuation application to be filed while the current application is pending.

## **III. Claim Rejections – 35 USC § 101**

Examiner withdraws the rejection of claims 1 through 9 under 35 U.S.C. § 101 as failing to be directed to statutory subject matter.

## **IV. Claim Rejections – 35 U.S.C. § 102**

Applicant traverses Examiner's rejection of claims 1 and 6 through 13 which were rejected under 35 U.S.C. § 102(e), and Applicant withdraws claims 1 and 6 through 13, which Applicant intends to resubmit in a continuation application to be filed while the current application is pending.

Consistent with Applicant's interview with Examiners on December 20, 2005, Applicant has amended claims 2 and 4 into independent claims, and amended the specification to add text to mirror Fig. 5, and has added Figure 6 to mirror related text in the specification on page 15 lines 15 through 21 relating to the breed code for cats.

Applicant has requested Examiners to reconsider the rejection of claims 2 and 4 under 35

U.S.C. section 102(e) as being anticipated by Bebiak et al. ("Bebiak.") Applicant notes that Bebiak relates to creating a specific formula for a specific pet and that the breed codes of the current invention are comprised of predetermined criteria for a plurality of breeds of pets. Applicant further argues that claims 3 and 5 now depend from allowable claims. Accordingly, claims 2 through 5 are not anticipated by Bebiak.